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Catherine A. Rinaldi  
President

MEMO ENDORSED



**Metro-North Railroad**

November 29, 2021

**Via ECF filing**

Hon. Kenneth M. Karas  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, NY 10601

Re: Michael DiPalma v. Metro-North Railroad  
File No.: 21 Civ.06221(KMK)

Dear Honorable Judge Karas:

This office represents the interests of the defendant, Metro-North Commuter Railroad.

As this Court is aware, the Initial conference in this matter is scheduled for November 30, 2021. The last initial conference was adjourned so that the Third-Party Defendant, Clearway Industries could appear in this matter. The Court graciously granted the request and adjourned the conference to November 30, 2021 so that Clearway will have sufficient time to appear.

Although Clearway was served with the Third-Party Summons & Complaint on October 15, 2021, to date Clearway has failed to appear. This office has notified the Third-Party Defendant and their insurer of the upcoming conference and the need to appear in this case. Despite this office's numerous attempts, Clearway and their insurer have not returned my requests.

This office is ready to appear for the conference but, in order to avoid wasting this Court's time, would like an adjournment of the November 30, 2021 conference for another short period of time so that Clearway could finally appear in this matter. If this Court would prefer to go forward with the conference, Defendant is ready to do so.

Thank you for your courtesies with respect to this request.

Yours truly,

Alan Muraidekh  
Senior Associate Counsel  
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The 11/30 Conference will go forward as scheduled.  
Clearway's non-appearance can be addressed at the conference.

So Ordered.

11/29/21

cc: George Cahill, Esq. (Via ECF)